



UNITED STATES PATENT and TRADEMARK OFFICE

17 AUG 2006

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Seed Intellectual Property Law Group PLLC
701 5th Avenue Suite 6300
Seattle, WA 98104-7092

In re Application of	:	DECISION ON RENEWED
Bergman et al	:	
PCT No.: PCT/SE2003/001084	:	
Application No: 10/518,961	:	
Int. Filing Date: 24 June 2003	:	PETITION UNDER
Priority Date: 25 June 2002	:	
Attorney's Docket No.: 341058.581USPC	:	
For: HIGH PRESSURE PRESSING DEVICE	:	
AND METHOD	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 24 July 2006.

BACKGROUND

In a decision from this Office on 23 February 2006, the petition filed on 09 January 2005 under 37 CFR 1.47(a) was dismissed. The decision stated that requirement (2) under 37 CFR 1.47(a) was not met because the circumstances of Mr. Bergmann's refusal was unclear.

On 24 July 2006, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 23 February 2006. Petitioner submits a Declaration executed by Mr. Gunnar Hjalt that sets forth additional factual circumstances surrounding Mr. Bergmann's refusal.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a):

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 24 July 2006 has satisfied the requirements under 37 CFR 1.47(a).

Mr. Hjalt's averments do sufficiently demonstrate that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for his signature as stipulated under MPEP 409.03(d). In this instance, Mr. Hjalt states that on March 23, 2005 he sent a copy of the applications papers and June 27, 2005 he sent a Declaration and Assignment to Mr. Bergmann. On 29 June 2005, he spoke with Mr. Bergmann, who acknowledged receipt of the papers. Also, on May 22, 2006 another copy of the application papers with the declaration were sent to Mr. Bergmann, and it was received by him on May 24, 2006 as demonstrated by the postal receipt. In addition, they spoke on May 31, 2006 at 1:54 pm, and Mr. Bergmann continued his position not to sign the Declaration and Assignment.

Consequently, the current record does sufficiently establish that Mr. Bergmann refusal to join in the application because petitioner has shown a *bona fide* attempt was made to deliver the complete application to him and that he orally refused to sign the required when as evidenced by the telephone conversations between Mr. Bergmann and Mr. Hjalt.

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **09 January 2006**.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

17 AUG 2006

Carl Bergman
Rodhakevagen 40
734 38 HALLSTAHAMMAR

In re Application of
Bergman et al
PCT No.: PCT/SE2003/001084
Application No: 10/518,961
Int. Filing Date: 24 June 2003
Priority Date: 25 June 2002
Attorney's Docket No.: 341058.581USPC
For: HIGH PRESSURE PRESSING DEVICE
AND METHOD

Dear Mr. Bergman:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

Seed Intellectual Property Law Group PLLC
701 5th Avenue Suite 6300
Seattle, WA 98104-7092